

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 187 of 2007()

CRIME NO.174/06 OF VYTHIRI POLICE STATION.

: PETITIONERS/ACCUSED:

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1. HAIDERALI, S/O.MUHAMMED KUTTY,
THEVARPARAMBIL HOUSE, POZHUTHANA P.O.,
VYTHIRI TALUK, WAYANAD DISTRICT.
 2. MUHAMMADKUTTY, DO. DO.
 3. NABEESA, W/O.MUHAMMEDKUTTY, DO. DO.
 4. ASHRAF, S/O.MUHAMMEDKUTTY, DO. DO.
 5. KADEEJA, W/O.SALEEM,
PULIMOOTIL HOUSE, POZHUTHANA, VYTHIRI.

BY ADV. SRI.LALJI P.THOMAS
SRI.A.AHZAR

RESPONDENT: COMPLAINANT:

S.I. OF POLICE, VYTHIRI POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.187 OF 2007

DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

Petitioners seek anticipatory bail on the allegation that the Vythiri Police are at their heels at the instance of certain political parties.

2. Learned Public Prosecutor on instructions submitted that the first petitioner alone is the sole accused in Crime No.174/06 of Vythiri Police Station for an offence punishable under section 498A and that petitioners 2 to 5 have so far not been arrayed as accused in the case.

3. Having regard to the fact that the marriage took place five years ago and having regard to the other facts and circumstances of the case, I am inclined to grant anticipatory bail to the 1st petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the 1st petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. 1st petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. 1st petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
3. 1st petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
4. 1st Petitioner shall not commit any offence while on bail.
5. 1st Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the 1st petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

Since petitioners 2 to 5 are not made accused in the case so far , the apprehension of arrest and harassment entertained by petitioners 2 to 5 is unfounded. The request for anticipatory bail so far as petitioners 2 to 5 are concerned is turned down, after recording the submission made by the learned Public Prosecutor.

This application is allowed in part as above.

V.RAMKUMAR,JUDGE.